Compliance with 37 C.F.R. § 1.116

This response, which is being filed after a final rejection, complies with the requirements of 37 C.F.R. § 1.116. Pursuant to § 1.116(b), amendments may be made to claims in an application after final rejection if the amendment would place the claims in better form for consideration on an appeal. The present amendment incorporates the recitation that the energy cured coating comprises a reacted-in slip agent into independent claim 1. Prior to the amendment, claims 10 – 19, 25 and 26 recited fixed or reacted-in slip agents. After entry of the amendment, all of the claims include the recitation of a fixed or reacted-in slip agent. Thus, the amendment will simplify the issues to be raised in any appeal and the amendment may be entered after final. In addition, a recitation regarding the synthetic nature of the cold seal cohesive has been added to the independent claims to more precisely describe the preferred embodiment of the invention.

The Declaration of Scott Huffer is presented in response to an assertion made for the first time in the last Office Action. Specifically, the last Office Action indicated that fixed slip agents and the avoidance of slip agent migration would be latent properties attained if the coating of Kurth were used on the film of Zhang. Mr. Huffer's Declaration and the corresponding arguments presented herein counter that assertion. Because the assertion was raised as a basis for rejection in the last office action, the Declaration and new arguments could not have been raised earlier.

The non-elected claims have been cancelled and formal drawings are being submitted herewith. It is believed that all matters of form have been taken care of and that entry of the present amendment will put the application in condition for allowance.

Declaration of Scott W. Huffer

The Office Action indicates that fixed slip agents and the avoidance of slip agent migration would be latent properties attained if the coating of Kurth were used on the film of Zhang. Applicants respectfully disagree. As explained in the Declaration of Mr. Huffer, slip agents that are commonly used in the packaging field are migratory. That is, common slip agents used in the packaging field are selected to be incompatible with the resins in which they are dispersed. Due to this incompatibility, migratory slip agents bloom to the surface of a laminate and form a thin film, which imparts the desired coefficient of friction to the laminate.

If one were to include the migratory slip agents that are commonly used in the converting field in an electron beam curable coating and apply the coating to a packaging material, the resulting structure would not have the desirable characteristics of the present invention. Such migratory slip agents would not become fixed or reacted into the electron beam cured coating. Instead, the migratory slip agents would bloom out of the coating and concentrate at the surface. Consider a film with an adhesive layer on the inside and an electron beam curable coating, which included migratory slip agents, on the outside. If such a film were stored in a roll and the adhesive layer were in contact with the electron beam cured layer, the slip agents would bloom and tend to poison the adhesive layer and cause blocking. In addition, the concentration of slip agents formed at the surface of the structure would likely form a haze, thereby adversely affecting the gloss of the coating and detracting from its appearance.

The present invention, on the other hand, includes an energy-cured coating with slip agents that become fixed during cross-linking of the coating. One skilled in the art of converting would understand that non-migratory slip agents, but not migratory slip agents, would become fixed. The fixed or "reacted-in" nature of the slip agent provides important properties to the packaging material as a whole. The packaging material of the present invention includes a plastic substrate, a synthetic cold-seal cohesive coating on the inner side of the substrate, and the energy-cured coating on the outer side of the substrate. Once the material has been converted, it is contemplated that it be stored in a roll, in which the cold seal cohesive is in contact with the energy-cured coating. Because the slip agent becomes fixed or "reacted-in" during the cross-linking of the coating, it does not bloom during storage of the roll. Therefore, the slip agent does not poison the cold seal cohesive or cause blocking while the cold seal cohesive is in contact with the energy-cured coating. The fixed or reacted-in slip agent also does not form a haze, which would otherwise adversely affect the gloss and detract from the appearance of the coating. The properties related to non-blocking and the appearance of the coating are unique to a coating with fixed slip agents and would not be expected if migratory slip agents, which are common in the converting field, were used in the coating.

Fixed slip agents would not be inherent to the coating of Kurth if applied to the film of Zhang.

Assuming that the Kurth and Zhang references can properly be combined, and further assuming that the Kurth coating can be properly modified to include slip agents, it would not necessarily follow that the slip agents added to Kurth would be fixed. In fact, absent the

disclosure of the present application, if one were motivated to include slip agents in the Kurth coating, one would likely include migratory slip agents because they are commonly used in the converting field. Thus, the coating of Kurth, if modified by the addition of slip agents and applied to the Zhang package, would not inherently include fixed slip agents.

The packaging material of the present invention includes a plastic substrate, a synthetic cold-seal cohesive coating on the inner side of the substrate, and an energy-cured coating, which includes a fixed or reacted-in slip agent, on the outer side of the substrate. The fixed or reacted-in slip agent in the energy-cured coating of the present invention allows the structure defined in the claims to be converted and stored in a roll without slip agents adversely affecting the appearance of the coating or the cold seal cohesive.

The combination of Kurth and Zhang, if modified by the addition of slip agents commonly used in the converting field, would include migratory slip agents that would poison the adhesive of Zhang and cause blocking if stored in a roll with the adhesive in contact with the Kurth coating. Therefore, the modified prior art cited in the Office Action would not exhibit or suggest the properties of the present invention and does not render obvious the combination of elements recited in the independent claims.

All of the pending claims are believed to be in condition for allowance. Therefore, it is respectfully requested that the present rejections be reconsidered and withdrawn. A Notice of Allowance is solicited.

Respectfully submitted,

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VERSION WITH MARKINGS SHOWING CHANGES MADE

In the Claims:

1. (Amended) A packaging material comprising:

a substrate comprising at least one sheet of plastic material;

a synthetic cold-seal cohesive coating on an inner side of the substrate; and

an energy-cured coating on an outer side of the substrate, the coating comprising a reacted-in slip agent.

5. (Amended) A packaging material according to claim 1, wherein the cold-seal cohesive coating comprises [natural rubber latex,] styrene butadiene[,] or isoprene [or synthetic rubber].

10. (Twice Amended) A package comprising:

at least one sheet of flexible packaging material comprising

a substrate comprising at least one sheet of plastic material,

a synthetic cold-seal cohesive coating on an inner side of the substrate, and

an energy-cured coating comprising fixed slip agents on an outer side of the substrate;

wherein said package has at least one seam formed by portions of said cold-seal cohesive coating cohering together.

14. (Amended) A package according to claim 10, wherein the cold-seal cohesive coating comprises [natural rubber latex,] styrene butadiene[,] or isoprene [or synthetic rubber].